

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CABN 138549)
Chief, Criminal Division

JONATHAN SCHMIDT (CABN 124940)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6776
Facsimile: (415) 436-7234
Email: jonathan.schmidt@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-05-00349 VRW
)	
Plaintiff,)	PARTIES' STIPULATION AND
)	PROPOSED ORDER RE SOCIAL
v.)	SECURITY AND MEDICARE BENEFITS
)	
JOHN KAROW,)	
)	
Defendant.)	

The parties hereby agree to the following and request that the Court rescind its earlier Order allowing Defendant John Karow to receive Social Security benefits while incarcerated.

- On March 8, 2006, the Court sentenced John Karow on one count of Transportation of Child Pornography (18 U.S.C. § 2252A(a)(1)) to sixty-three months imprisonment.
- On March 24, 2006, based on the parties stipulation, the Court ordered that "Defendant John Karow not be denied Social Security benefits, and that he not be un-enrolled from Medicare, while incarcerated."
- The parties have since learned that under Title 42 U.S.C. § 402(x) Social Security

benefits can not be paid “to any individual for any month ending with or during or beginning with or during a period of more than 30 days throughout all of which such individual--(i) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense.”

4. Accordingly, the parties agree that this Court should rescind the portion of its March 24, 2006 Order stating that “Defendant John Karow not be denied Social Security benefits . . . while incarcerated.”

DATED: 7/25/06

KEVIN V. RYAN
United States Attorney

/s/
JONATHAN SCHMIDT
Assistant United States Attorney

DATED: 7/20/06

CLARENCE & DYER LLP

/s/
NANCIL L. CLARENCE
Attorney for Defendant John Karow

ORDER

Pursuant to the above stipulation of the parties, IT IS ORDERED that the portion of the Court’s March 24, 2006 Order stating that Defendant John Karow not be denied Social Security benefits . . . while incarcerated” is rescinded.

DATED: July 27, 2006


C.J. VAUGHN R. WALKER
U.S. DISTRICT JUDGE